

Remarks

Claims 1-6, 8, and 10-12 and 14-17 are pending in the subject application. Applicants again gratefully acknowledge the allowance of claims 1-6, 8, and 10-12. Claim 17 is indicated as allowable if rewritten in independent form. Claim 16 has been amended to depend from claim 1, which is indicated as allowable. Therefore, claim 17 should in turn be allowable. Claim 17 has been amended to change cautery to “caustic”, which is merely to correct an inadvertent error; the term “caustic” was used in the specification. Such amendment does not affect the scope of the claims. New claims 18 and 19 depend from claim 14, which in view of the amendments to claim 14, should also be allowable. The rejection of claim 14 is addressed below.

Claims 14-16 are rejected under 35 USC 102(e) as being anticipated by the Golden *et al.* patent. Applicants assert that the amendments to claims 14 and 16 obviate this rejection. First, claim 16 has been amended to no longer depend from claim 14. As for claim 14, it has been amended to recite that there is an outer and inner catheter. The retractable device is a brush associated with the distal end of the inner catheter. Furthermore, claim 14 has been amended to recite the new element of a syringe being attached to the proximate end of the inner catheter. A careful read of the Golden patent reveals that the inner cylinder 727 of Golden does not act as a fluid delivery conduit. Nowhere does Golden even contemplate that the retractable bristles 702 are in any way meant to deliver fluid to an area of tissue. The bristles 702 are configured to “turn into their memory shape and expand outwardly to form an area of hemostasis at the opening of the vessel wall.” The bristles of 702 are meant to anchor a blood vessel next to another blood vessel in the formation of an anastomosis. These outwardly projecting bristles could not realistically be used as a brush to deliver fluid to a tissue site of need.

In addition, claim 14 has been amended to recite a syringe associated with the proximate end of the inner catheter. The Golden patent does not teach or suggest a syringe much less the implementation of a syringe according to the embodiment defined in claim 14. Accordingly, the Golden patent does not anticipate claim 14 as amended.

Nowhere does Golden et al. teach or suggest the delivery of fluid through the cylinder 727. Fluid delivery is neither contemplated nor relevant to the purpose of the anastomosis device illustrated in FIG. 16 of the Golden patent. Thus, it cannot be said the embodiment of claim 14 would have been obvious over the Golden patent. Accordingly, in view of the above amendments and remarks, Applicant respectfully requests the reconsideration and withdrawal of the 35 USC 102(e) rejection.

All issues of patentability hereby being addressed, Applicant asserts that all pending claims are in a condition for allowance, and indication of this requested in the ensuing office action. Applicants invite the Examiner to call the undersigned if clarification is needed on any aspect of this response after entrance and consideration of the remarks presented herein.

Respectfully submitted,



Timothy H. Van Dyke
Patent Attorney
Registration No. 43,218
Beusse Wolter Sanks Mora & Maire
CUSTOMER NO.: 29847
Phone No.: 407-926-7726
Fax No.: 407-926-7720